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Albuquerque Public Schools

Technologies

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Our Vision

Great learning, through access and use, for all learners to effective learning technologies

Elizabeth Everitt Ph.D.
Chief Education Officer

Joseph Vigil
Chief Education Officer

Michael Vigil
Chief Business Officer

Tom Garrity
Chief Advancement Officer

Thomas Ryan
Executive Director of
Technology

Dale Alexander
Director of
Information Technology

Ken Tuley
Director of Learning
Technologies

Maureen Davidson
Technology Master Planner

Letter of Appeal CCDocket Nos. 96 -45 and 97 - 21
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

July 15, 2003

Per the instructions on your web site found at
www.sl.universalservice.org/reference/appealsprocedure.asp, Albuquerque Public Schools is
filing this letter to appeal denials of requests for deadline extensions. All information is
provided below.

1. Contact information

Name : Maureen Davidson
Address: 6400 Uptown Blvd, NE -Suite 250 E
Albuquerque, NM 87110
Phone : 505-830-8051
Fax: 505-830-8081
E-mail: Davidson_m@aps.edu

2. Title of documents being appealed: Administrator's Decision on Implementation
Extension Request
Funding Year: 2001
Date of decision letter: 12/4/2002
Applicant Name: Albuquerque School District
Billed Entity Number:
Form 471 Numbers: 242088, 244611

3. FRN's Subject to Appeal

591403
579023
580066
579771

4. Explanation of appeal

For each of the FRN's listed above, the implementation extension request (Attachment 1) was denied due to inability to document that the delay was outside of the service provider's control. That denial, dated December 4, 20002, is attached (Attachment2). Specifically, each of the denials states "In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances".

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AUG 7 2003

FCC - MAILROOM

Noted
USABODE

Albuquerque Public Schools believes that we did, in fact, document such circumstances in our original request. (Attachment 1) Specifically, each of these four delays were caused by construction contractors that delayed the cabling vendor's access to the facility. These delays are documented in the original extension requests, which are included as an attachment to this appeal. **Albuquerque Public Schools asks that the FCC review the circumstances and grant the extension request.** The vendor in question has completed this work for APS in good faith and the approval of the extension request would allow the vendor to receive the 90% payment billed to the SLD.

On February 4, 2003, Albuquerque Public Schools filed an appeal of the denial of the extension request with the SLD. (Attachment 3) This appeal was not considered by the SLD because "Our records show that your appeal was received more than 60 days after the date your Deadline Extension Denial Letter was issued (see dates above.) The Federal Communications Commission (FCC) rules require applicants to submit appeals so USAC/SLD receives them within 60 days of the date that the relevant Funding Commitment Decision Letter was issued." (Attachment 4)

The Albuquerque Public Schools believes that the SLD erred in it's non-consideration of this appeal because it did not consider the extenuating circumstances of the intervening Christmas holidays, during which both the school district and the SLD were closed for business. At the least, taking the National holidays of Christmas and New Year's days into account, the appeal was filed within the 60-day window. **Again, Albuquerque Public Schools asks the FCC to consider this appeal and grant the extension request.**

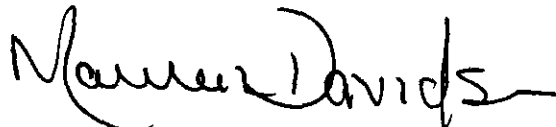
This appeal is, therefore, being filed with the FCC "after the SLD has issues its decision on an appeal request per instructions on the SLD web site at www.sl.universalservice.org/reference/appealsprocedure.asp The SLD denied Albuquerque Public Schools' appeal of the SLD denial of the extension request was denied by the SLD on June 13, 2003. The Albuquerque Public Schools is, therefore, appealing to the FCC per instructions in that letter of denial (Attachment 4).

5. Public Interest

The vendor in question, Southwest Communications, Inc. has been providing network cabling to the Albuquerque Public Schools for over 5 years. They are a local vendor, employing New Mexico residents, and as such, provide a significant economic benefit to the city of Albuquerque and the State of New Mexico. The denial of their funding requests, which total over \$1 million, will have a significant and negative economic impact on our community and state. **We, therefore, believe it is in the public interest for the FCC to grant the extension requests originally denied by the SLD and allow the invoices from Southwest Communications, represented by the FRN's identified above, to be paid.**

Please contact me for further information you may require as you review this appeal.

Thank you for your consideration.



Maureen Davidson
Director, Technology Master Plan
Albuquerque Public Schools



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220 Monroe SE

Albuquerque, NM 87108

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ATTACHMENT 1

Invoice Deadline Extension Request
Schools and Libraries Division
Box 125 — Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

October 24, 2002

- Contact Person's Name: Maureen Davidson
- Contact Information:
 - e-mail: davidson_m@aps.edu
 - voice: 505-256-4248
 - fax: 505-256-4432

Request 1

- Form 471 application number: 242088
- FRN: 579023
- Service Provider Name: NetCom Management Group
- SPIN: 143006340
- Reason for extension request: Per item # 3 found at <http://www.sl.universalservice.org/reference/ServiceDeliveryDeadlines.asp> The applicant requested an extension because the service provider is unable to complete delivery and installation for reasons beyond the service provider's control; specifically The Main Distribution Room was built too small and a wall has to be taken down and rebuilt. We can't finish our work in this room until the construction is finished.

Request 2

- Form 471 application number: 244611
- FRN: 591043
- Service Provider Name: NetCom Management Group
- SPIN: 143006340
- Reason for extension request: Per item # 3 found at <http://www.sl.universalservice.org/reference/ServiceDeliveryDeadlines.asp> The applicant requested an extension because the service provider is unable to complete delivery and installation for reasons beyond the service provider's control; Due to changes in M&O specifications Netcom is having to install 3 poles at the portables to meet standards. The principal doesn't want the poles installed with kids around. A walkthrough needs to be setup with M&O to locate poles and then poles installed.

Request 3

- From 471 application number: 242088
- FRN: 580066
- Service Provider Name: NetCom Management Group
- SPIN: 143006340
- Reason for extension request: Per item # 3 found at <http://www.sl.universalservice.org/reference/ServiceDeliveryDeadlines.asp> The applicant requested an extension because the service provider is unable to complete delivery and installation for reasons beyond the service provider's control; specifically, New construction is going on in various parts of school and Netcom is having to work around the other contractors causing delays. Construction will not be completed until December.

Request 4

- From 471 application number: 242088
- FRN: 579771
- Service Provider Name: NetCom Management Group
- SPIN: 143006340
- Reason for extension request: Per item # 3 found at <http://www.sl.universalservice.org/reference/ServiceDeliveryDeadlines.asp> The applicant requested an extension because the service provider is unable to complete delivery and installation for reasons beyond the service provider's control; specifically, Electricians are behind due to staffing requirements on other jobs.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Implementation Extension
Request

ATTACHMENT 2

12/04/02

Maureen Davidson
Albuquerque Public Schools
220 Monroe SE
Albuquerque, NM 87108

471 Application Number: 244611
Funding Request Number(s): 591043
Your Correspondence Dated: 10/24/02

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your request included more than one 471 Application, please note that for each application you will receive a separate determination letter.

FRN: 591043

Decision on extension request: **Denied in full**

Explanation: Request for extension was received after the original non-recurring services deadline of 9/30/02.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

FCC REVIEW OF THE ADMINISTRATOR'S DECISION

If you believe there is a basis for further examination of your request, you may file an appeal with the Federal Communications Commission (FCC): FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site <www.sl.universalservice.org> for more information. You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be made in writing and RECEIVED BY THE FCC at the FCC address above WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference area of the SLD web site.

We thank you for your continued support, patience, and cooperation during the request review process

Schools and Libraries Division
Universal Service Administrative Company

cc: Viola Baboola, Verizon Wireless fka Cellco Partnership



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Implementation Extension Request

12/04/02

Maureen Davidson
Albuquerque Public Schools
220 Monroe SE
Albuquerque, NM 87108

471 Application Number: 242088
Funding Request Number(s): 579023, 580066, 579771
Your Correspondence Dated: 10/24/02

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your request included more than one 471 Application, please note that for each application you will receive a separate determination letter.

FRN: 579023, 580066, 579771

Decision on extension request: **Denied in full**

Explanation: Request for extension was received after the original non-recurring services deadline of 9/30/02.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

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We thank you for your continued support, patience, and cooperation during the request review process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Chris Salas, Northern Line Layers Inc. dba NetCom Management Group



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ATTACHMENT 3

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Thomas Ryan
Executive Director of
Technology

Dale Alexander
Director of
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Ken Tuley
Director of Learning
Technologies

Maureen Davidson
Technology Master Planner

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Per the instructions on your web site, Albuquerque Public Schools is filing this letter to appeal denials of requests for deadline extensions. All information is provided below.

1. Contact information
Name: Maureen Davidson
Address: 220 Monroe, SE
Albuquerque, NM 87108
Phone: 505-256-4248
Fax: 505-256-4432
E-mail: Davidson_m@aps.edu
2. Title of documents being appealed: Administrator's Decision on Implementation Extension Request
Funding Year: 2001
Date of decision letter: 12/4/2002
3. FRN's Subject to Appeal
591043
579023
580066
579771
4. Explanation of appeal
For each of the FRN's listed above, the implementation extension request was denied due to inability to document that the delay was outside of the service provider's control. Specifically, each of the denials states "In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances".

Albuquerque Public Schools believes that we did, in fact, document such circumstances in our original request. Specifically, each of these four delays were caused by construction contractors that delayed the cabling vendor's access to the facility. These delays are documented in the original extension requests, which are included as an attachment to this appeal. We ask that SLD review the circumstances and grant the extension request. The vendor in question has completed this work for APS in good faith and the approval of the extension request would allow the vendor to receive the 90% payment billed to the SLD.

Please contact me for further information you may require as you review this appeal.

Thank you for your consideration.

Maureen Davidson
Director, Technology Master Plan
Albuquerque Public Schools

Attachment: Original Extension Request



Universal Service Administrative Company
Schools & Libraries Division

June 13, 2003

Administrator's Decision on Appeal

ATTACHMENT 4

Maureen Davidson
Albuquerque Public Schools
220 Monroe, SE
Albuquerque, NM 87108

Re: Application Number: 242088
 Funding Year: 2001-2002
 Date of Issuance of Deadline
 Extension Denial Letter: 12/04/2002
 Date Appeal Received: 02/04/2003

Our records show that your appeal was received more than 60 days after the date your Deadline Extension Denial Letter was issued (see dates above.) The Federal Communications Commission (FCC) rules require applicants to submit appeals so USAC/SLD receives them within 60 days of the date that the relevant Funding Commitment Decision Letter was issued. (See "Appeals Procedure" at <http://www.sl.universalservice.org/reference/AppealsProcedureYR4.asp>) The FCC rules do not permit the SLD to consider your appeal. If you wish to continue this process, you may submit a new appeal via the United States Postal Service, stating the impediment to your filing your appeal within the original time, to the FCC at the following address:

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery to the

FCC. If you are submitting your appeal via United States Postal Service, send to: FCC,
Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Services Administrative Company